

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~CITY~~ of NIAGARA
~~TOWN~~
~~VILLAGE~~

Local Law No. 3 of the year 19 93

A local law REGULATING USE OF ALARM SYSTEMS TO REDUCE THE INCIDENCE OF AVOIDABLE ALARMS
(Insert Title)

Be it enacted by the NIAGARA COUNTY LEGISLATURE of the
(Name of Legislative Body)

County
~~CITY~~ of NIAGARA
~~TOWN~~ as follows:
~~VILLAGE~~

Section 1. Title

This Local Law shall be known as the Niagara County Alarm Code.

Section 2. Purpose

The purpose of this Local Law is to protect and promote the health, safety, and general welfare of the residents of the County of Niagara by reducing the number of Avoidable Alarms of fire, intrusion, hold-up or other emergencies which contribute to ineffective utilization of police and fire emergency agencies, require emergency responses which are susceptible to (responses) and produce unnecessary alarm noise to the surrounding community.

Section 3. Definitions

For the purpose of this Local Law the following words and phrases shall have the meanings respectfully ascribed to them by this section.

A. The term Alarm System means any assembly of equipment or device arranged to signal the presence of a hazard requiring urgent attention, and to which police, fire or emergency medical service agencies are expected to respond. An Alarm System shall include Automatic Dialing Devices.

B. Emergency Agency. A police or Sheriff's Department or Fire Company, or other Emergency Dispatch Center. Emergency Communication Center.

C. The term Automatic Dialing Device means a device which is connected to a telephone line and is programmed to access a predetermined emergency agency number and transmit by voice message or coded signal to an Emergency Agency, an emergency message indicating a need for emergency response.

Section 4. Existing Systems or Devices

The owners and lessees of premises having Alarm Systems shall comply with all provisions of this chapter on or before the 1st day of January, 1994.

Section 5. Automatic Cut-Off System

No person shall install or maintain an external audible alarm device which does not contain an operational automatic cut-off system which turns off the external audible alarm after a period not to exceed ten (10) minutes.

An Automatic Dialer connected directly to an Emergency Agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five (5) minutes.

Section 6. Avoidable Alarms

The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner, user, custodian, or lessee of any Alarm Systems, or of his employees requiring an emergency response when in fact an emergency does not exist, constitutes an Avoidable Alarm. An Avoidable Alarm also includes intentional activation of an Alarm System when the activator knows an emergency situation does not exist.

Avoidable Alarm does not include alarms activated by violent conditions of nature or similar causes beyond the control of the user, owner, or operator of the Alarm System. the activation of an Alarm System under any circumstance in which the activator reasonably believes that an emergency situation exists shall not be deemed to be an Avoidable Alarm.

Section 7. Change for Avoidable Alarms

An owner or lessee of real property to which an Emergency Agency responds as a result of Avoidable Alarm, shall pay a fee for each such response in each calendar year as follows:

A. Police or Sheriff's Department Response

1. 1st through 5th Avoidable Alarm responses - no charge
2. 6th through 7th Avoidable Alarm responses - \$25.00
3. 8th & over Avoidable Alarm responses - \$50.00

B. Fire Department Response

1. 1st Avoidable Alarm response - 0 Charge
2. 2nd Avoidable Alarm response - \$50.00
3. 3rd & over Avoidable alarm responses - \$100.00 for each

Section 8. Notice of Excessive Use

The owner or lessee of real property which received an emergency response by reason of an Avoidable Alarm shall be notified in writing by means of First Class Mail of all Avoidable Alarms up to 5 police alarms and/or 1 fire alarm in a calendar year. The letter shall inform the owner or lessee of the times and types of emergency responses provided to the address location and shall contain a copy of the alarm Code.

Section 9. Administrative Review

The Fire Coordinator shall establish policy and procedures whereby an owner of real property or lessee thereof on which an Alarm System has been installed and who has been notified of an Avoidable alarm may present evidence as to why any such alarm was not classified as an Avoidable Alarm. The Fire Coordinator shall designate a committee, not to exceed five in total, to receive such evidence and to make recommendations and findings of fact concerning such classification. The Fire Coordinator shall make the final determination concerning a classification, such determination shall be reviewable only pursuant to procedures under Article 7800 of the Civil Practice Law and Rules. To challenge the classification of an alarm as an Avoidable Alarm, the real property owner or lessee thereof shall, in writing, notify the Fire Coordinator within twenty (20) days after receipt of notice of the Avoidable Alarm. The failure to file timely notice shall be deemed a waiver of the right to review the determination.

Section 10. Payment of Charges

Avoidable Alarm Charge shall be paid to the Niagara County Treasurer at the County Courthouse in Lockport, New York, 14094

Section 11. Failure to Remit Fee

Failure of a real property owner or lessee of property on which an alarm system is installed to pay the Avoidable Alarm charge, within thirty (30) days from notice of the amount due, shall be served with a summons and shall be deemed in violation of this code.

Section 12. Enforcement

The Fire Coordinator shall enforce this Local Law.

Section 13. Penalties for Offenses

Any person, business, firm, corporation, partnership, association or other entity that does not pay the fee as established in this code or who violates any other provisions of this code shall be subject to a civil penalty, not to exceed \$1,000 for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs, continues or is permitted.

Section 14. Severability

If any section, clause or provisions of this Local Law or the application thereof to any persons is adjudged invalid, the adjudication shall not effect other sections, clauses, or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this Local Law are declared to be severable.

Section 15. Effective Date

This Local Law shall become effective January 1, 1994.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1993 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Niagara was duly passed by the Niagara County Legislature on August 3 1993, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

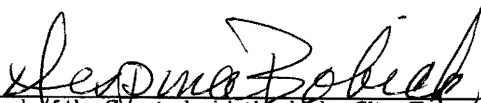
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



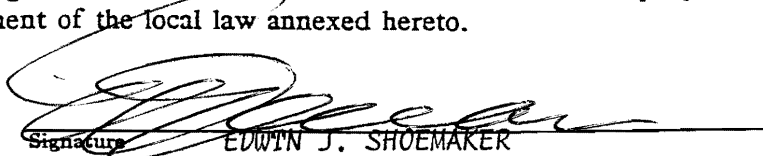
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
DESPINA BOBICK
Date: August 20, 1993

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature EDWIN J. SHOEMAKER

Title NIAGARA COUNTY ATTORNEY

County
~~City~~
~~Town~~
~~Village~~
of NIAGARA

Date: August 20, 1993